

Bereskin & Parr
INTELLECTUAL PROPERTY LAW

February 4, 2004

Micheline Gravelle B.Sc., M.Sc. (Immunology)
416 957 1682 mgravelle@bereskinparr.comYour Reference: 09/551,151
Our Reference: 10447-11**By Facsimile**Commissioner of Patents
Alexandria, VA 22313-1450
U.S.A.

Dear Sir:

Re: TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
United States Patent Application No. 09/551,151
Entitled: Ricin-Like Toxin Variants For Treatment of Cancer, Viral or Parasitic Infections
Inventors: Thor Borgford
Filing Date: April 14, 2000
Examiner: Samuel W. Liu
Art Unit: 1653

Twinstrand Therapeutics Inc. of 8081 Lougheed Highway, Burnaby, British Columbia, V5A 1W9, Canada, is the owner of the entire right, title and interest in (1) U.S. Patent Application Serial No. 10/394,511, filed on March 24, 2003 and entitled "Ricin-Like Toxin Variants For Treatment of Cancer, Viral or Parasitic Infections", by virtue of an assignment recorded at Reel 013910, Frame 0946 on March 24, 2003; and (2) U.S. Patent Application Serial No. 09/551,151, filed on April 14, 2000 and entitled "Ricin-Like Toxin Variants For Treatment of Cancer, Viral or Parasitic Infections", by virtue of an assignment submitted simultaneously herewith.

Twinstrand Therapeutics Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Application Serial No. 10/394,511 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Application Serial No. 10/394,511, this agreement to run with any patent

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granted on the above-identified application and to be binding upon the grantee, its successor, or assigns.

In making the above disclaimer, Twinstrand Therapeutics Inc. does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term of United States Patent Application Serial No. 10/394,511, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge the government fee of \$55.00 to our firm's Deposit Account No. 02-2095. The Commissioner is also authorized to charge any additional fee which may be required, or credit any overpayment, to our firm's Deposit Account No. 02-2095.

The undersigned is an agent of record in the application.

Respectfully submitted,

Thor Borgford



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